

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

United States of America,	)	No. CV-16-00127-PHX-SPL
	)	(No. CR-14-00272-4-PHX-SPL)
Plaintiff/Respondent,	)	
vs.	)	<b>ORDER</b>
Rebekah Ezilda Robertson,	)	
	)	
Defendant/Movant.	)	

Movant Rebekah Ezilda Robertson has filed a Motion to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody pursuant to 28 U.S.C. § 2255 (“Motion”) (Doc. 1). On October 12, 2016, the Honorable James F. Metcalf, United States Magistrate Judge, issued a Report and Recommendation (“R&R”), recommending that the Court deny the Motion. Judge Metcalf advised the parties that they had fourteen (14) days to file objections to the R&R and that failure to file timely objections could be considered a waiver of the right to obtain review of the R&R. (Doc. 24 at 4); 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6, 72; *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

The parties did not file objections, which relieves the Court of its obligation to review the R&R. *See Reyna-Tapia*, 328 F.3d at 1121; *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (“[Section 636(b)(1)] does not... require any review at all... of any issue that is not the subject of an objection.”); Fed. R. Civ. P. 72(b)(3) (“The district judge must determine de novo any part of the magistrate judge’s disposition that has been properly

objected to.”). The Court has nonetheless reviewed the R&R and finds that it is well-taken. The Court will adopt the R&R and deny the Motion. *See* 28 U.S.C. § 636(b)(1) (stating that the district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate”); Fed. R. Civ. P. 72(b)(3) (“The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.”). Accordingly,

**IT IS ORDERED:**

1. That Magistrate Judge Metcalf’s Report and Recommendation (Doc. 24) is **accepted** and **adopted** by the Court;

2. That the Motion to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody pursuant to 28 U.S.C. § 2255 (CV-16-00127-PHX-SPL, Doc. 1; Doc. 223, CR-14-00272-PHX-SPL) is **denied**;

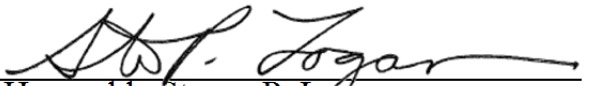
3. That this case is **dismissed with prejudice**;

4. That a certificate of appealability and leave to proceed *in forma pauperis* on appeal are **denied** because jurists of reason would not find the procedural ruling debatable;

5. That the Clerk of Court shall file this Order in the underlying related criminal action, Case No. CR-14-00272-PHX-SPL; and

6. That the Clerk of Court shall enter judgment accordingly and **terminate** this action.

Dated this 31st day of October, 2016.

  
Honorable Steven P. Logan  
United States District Judge